

REMARKS

I. Claims 1- 46 are pending -- claims 38 to 46 being newly added. Support for the new claims can be found as follows:

- Claim 38 narrows the limitation “substantially or completely” of claim 1 to “completely.” Again, as indicated in the previous response, support for this is found on page 9, paragraph beginning on line 8. This paragraph specifically recites “completely or substantially” for **both active agent and polymer**. In addition, both “completely” and “substantially” have been defined in this paragraph.

- Claim 39 has support on page 9, paragraph beginning on line 8 as well as claims 1 and 2.

- Similarly, claims 40- 45 find support in at least the same places as claims 38 and 39.

- Claim 46 has ample support on page 41. As recited in the last paragraph of page 41, “the barrier layer can be applied to the reservoir layer **prior to or subsequent to** the fluid treatment. If the barrier layer is applied to the reservoir layer prior to the fluid treatment, the solvent in the barrier layer should be allowed to evaporate to form a **dry coating prior to the application of the fluid.**”

II. To refresh the Examiner’s recollection of the interview and the prosecution of this matter, Applicants provide the following:

1. In the **final** office action dated May 31, 2005 (a) claims 1-6, 8-20, 22-24, and 26-34 were objected to because “the surface” lacked antecedent basis; (b) claim 1 was rejected because “or completely” was deemed to be new matter; and (c) claim 10 was rejected because “taxol” was deemed to be new matter. The claims were not rejected on other grounds.

2. Applicants responded on July 20 by (a) correcting the antecedent basis; (b) directing the Examiner to specific language in the specification (paragraph beginning on page 9, line 8) that supports “or completely”; and (b) changing “taxol” to its generic name of “paclitaxel” and “docetaxel” -- terms specifically used in the specification (**page 38, line 5**).

3. Prior to the response, Applicants had a telephone conference with the Examiner specifically addressing and pointing out to the Examiner instances of “or completely” and “paclitaxel” and “docetaxel” in the specification.

4. The Examiner issued an advisory action indicating that “paclitaxel” and “docetaxel” would require a new search and raise issue of new matter.

5. Applicants submitted to the Examiner in the interview of August 16, 2005, that claim 10 is dependent from independent claim 1 and since claim 1 is in condition for allowance, claim 10 too should be in condition for allowance. Search for paclitaxel or docetaxel does not change the patentability of claim 1. The Examiner, after checking with his supervisory, agreed and indicated and a notice of allowance will be issued.

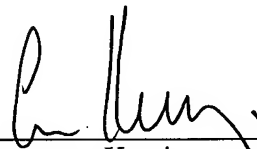
III. As requested in the previous response, with respect to claims 7, 21, and 25, Applicants request that the Examiner rejoin these claims. Each claim depends from an allowed based claim and is therefore allowable for at least the same reason. It would not make sense to file a divisional application on dependent claims for which its independent claim has been allowed.

If the Examiner has any questions or concerns, the Examiner is invited to call the undersigned attorney of record.

Respectfully submitted,

Date: August 18, 2005

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0323
ckerrigan@ssd.com



Cameron Kerrigan
Attorney for Applicants
Reg. No. 44,826